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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/066,430	01/31/2002	Dah Ming Chiu	SMY-261.01	5098
45774	7590	12/14/2005	EXAMINER	
KUDIRKA & JOBSE, LLP ONE STATE STREET, SUITE 800 BOSTON, MA 02109			SHAND, ROBERTA A	
			ART UNIT	PAPER NUMBER
			2665	

DATE MAILED: 12/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/066,430	Applicant(s) CHIU ET AL.	
	Examiner Roberta A. Shand	Art Unit 2665	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4, 7, 8, 10 and 13-16 is/are rejected.
- 7) ☒ Claim(s) 3, 5, 6, 9, 11 and 12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 2, 4, 7, 8, 10 and 13-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Blouin (U.S. .2003/0126246 A1).

3. Regarding claim 1, Blouin teaches a method for selecting routing information to be provided to devices in a communication network, comprising: obtaining routing information describing a plurality of routes between forwarding devices of said communication network (paragraph 69), wherein said plurality of routes is deadlock free, and wherein said routing information includes a plurality of alternative routes (Blouin teaches that the routes are listed according to performance metric and the best route is listed first is the best route and highest ranked and the others in the list are alternatives and each ranked lower than the previous going down the list); selecting one of said plurality of alternative routes, wherein said selecting optimizes a performance metric (paragraph 14); and delivering said selected one of said plurality of alternative routes to at least one forwarding device in said communication network (paragraph 79).

4. Regarding claims 2 and 8, Blouin teaches (paragraph 69) performance metric is network capacity.

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5. Regarding claims 4 and 10, Blouin teaches (paragraph 69) performance metric is fault tolerance.

6. Regarding claim 7, Blouin teaches a system for selecting routing information to be provided to devices in a communication network, comprising routing logic operable to: obtain routing information describing a plurality of routes between forwarding devices of said communication network (paragraph 69), wherein said plurality of routes is deadlock free, and wherein said routing information includes a plurality of alternative routes (Blouin teaches that the routes are listed according to performance metric and the best route is listed first is the best route and highest ranked and the others in the list are alternatives and each ranked lower than the previous going down the list); select one of said plurality of alternative routes, wherein said selecting optimizes a performance metric (paragraph 14); and deliver said selected one of said plurality of alternative routes to at least one forwarding device in said communication network (paragraph 79).

7. Regarding claim 13, it is inherent in Blouin's system that routing logic comprises at least one digital logic circuit in that this system is a signal processing system.

8. Regarding claim 14, Blouin teaches (fig. 1) routing logic comprises program code loaded into a memory of a computer system.

9. Regarding claim 15, a system for selecting routing information to be provided to devices in a communication network, comprising: means for obtaining routing information describing a

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plurality of routes between forwarding devices of said communication network (paragraph 69), wherein said plurality of routes is deadlock free, and wherein said routing information includes a plurality of alternative routes (Blouin teaches that the routes are listed according to performance metric and the best route is listed first is the best route and highest ranked and the others in the list are alternatives and each ranked lower than the previous going down the list); means for selecting one of said plurality of alternative routes, wherein said selecting optimizes a performance metric (paragraph 14); and means for delivering said selected one of said plurality of alternative routes to at least one forwarding device in said communication network (paragraph 79).

10. Regarding claim 16, Blouin teaches a computer program product including a computer readable medium, said computer readable medium having a computer program stored thereon, said computer program for selecting routing information for distribution to at least one networking device, said computer program comprising: program code for obtaining routing information describing a plurality of routes between forwarding devices of said communication network (paragraph 69), wherein said plurality of routes is deadlock free, and wherein said routing information includes a plurality of alternative routes (Blouin teaches that the routes are listed according to performance metric and the best route is listed first is the best route and highest ranked and the others in the list are alternatives and each ranked lower than the previous going down the list); program code for selecting one of said plurality of alternative routes, wherein said selecting optimizes a performance metric (paragraph 14); and program code for delivering said selected one of said plurality of alternative routes to at least one forwarding device in said communication network (paragraph 79).

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Allowable Subject Matter

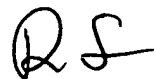
11. Claims 3, 5, 6, 9, 11 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

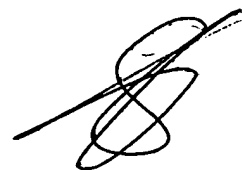
12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roberta A Shand whose telephone number is 571-272-3161. The examiner can normally be reached on M-F 9:00am-5:30pm.

13. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on 571-272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

14. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Roberta A Shand
Examiner
Art Unit 2665



STEVEN NGUYEN
PRIMARY EXAMINER